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EOLAS TECHNOLOGIES
INCORPORATED; and THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

J. C. PENNEY CORPORATION, INC.,

Plaintiff,

v.

EOLAS TECHNOLOGIES
INCORPORATED; and THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA

Defendants.

No. 3:13-CV-06003-JST

JOINT STIPULATION AND
~~PROPOSED~~ ORDER EXTENDING
TIME FOR J. C. PENNEY CORP., INC.
TO RESPOND TO DEFENDANTS'
SECOND MOTION TO DISMISS AND
TO DEFENDANTS' COUNTERCLAIMS,
AND CONTINUING THE INITIAL CASE
MANAGEMENT CONFERENCE

1 Pursuant to Civil Local Rules 6-2, 16-2, and 7-12, Plaintiff J. C. Penney Corporation, Inc.
2 (“JCP”) and Defendants Eolas Technologies Incorporated and The Regents of the University of
3 California (collectively, “Defendants”) hereby stipulate through their respective counsel of
4 record as follows:

5 WHEREAS, on January 6, 2014 and January 7, 2014, JCP served its complaint upon
6 Defendants;

7 WHEREAS, on December 31, 2013, the Court set an Initial Case Management
8 Conference for April 29, 2014;

9 WHEREAS, on January 23, 2014, the parties filed a stipulation to extend the deadline for
10 Defendants to answer or otherwise respond to JCP’s complaint to February 7, 2014;

11 WHEREAS, on January 23, 2014, the Court granted the parties’ January 23, 2014
12 stipulation;

13 WHEREAS, on February 7, 2014, Defendants filed a motion to dismiss for lack of
14 jurisdiction in response to JCP’s complaint;

15 WHEREAS, on February 14, 2014, the parties filed a stipulation to extend the deadline
16 for JCP to respond to Defendants’ motion to dismiss for lack of jurisdiction until March 7, 2014,
17 and to extend the deadline for Defendants to reply to JCP’s opposition until March 14, 2014;

18 WHEREAS, on February 18, 2014, the Court granted the parties’ February 17, 2014
19 stipulation;

20 WHEREAS, on March 13, 2014, the parties filed a stipulation to extend the deadline for
21 Defendants to reply to JCP’s opposition to Defendants’ motion to dismiss for lack of jurisdiction
22 until March 17, 2014;

23 WHEREAS, on March 14 2014, the Court granted the parties’ March 13, 2014
24 stipulation;

25 WHEREAS, on April 17, 2014, the parties filed a stipulation to continue the Initial Case
26 Management Conference to allow for the Court to rule on Defendants’ motion to dismiss for lack
27 of jurisdiction;

1 WHEREAS, on April 18, 2014, the Court continued the Initial Case Management
2 Conference until June 20, 2014;

3 WHEREAS, on April 18, 2014, the Court further continued the Initial Case Management
4 Conference until June August 20, 2014;

5 WHEREAS, on July 8, 2014, Defendants' filed their answer and counterclaims to JCP's
6 complaint, and filed a motion to dismiss counterclaims;

7 WHEREAS, JCP's response to Defendants' motion to dismiss is currently due July 22,
8 2014;

9 WHEREAS, Defendants' reply to JCP's response to Defendants' motion to dismiss is
10 currently due July 29, 2014;

11 WHEREAS, JCP's response to Defendants' counterclaims is currently due August 1,
12 2014;

13 NOW THEREFORE the parties through their undersigned counsel hereby stipulate and
14 request that the Court grant, pursuant to Civil L.R. 6-2 that:

- 15 • The time to file JCP's opposition to Defendants' motion to dismiss be extended
16 until August 19, 2014;
- 17 • The time to file the Defendants' reply to JCP's opposition be extended until
18 September 9, 2014;
- 19 • The hearing for the Defendant's motion to dismiss be noticed for October 9, 2014,
20 or as soon thereafter at the Court's convenience;
- 21 • The time for JCP to respond to Defendants' counterclaims be extended until
22 October 24, 2014; and
- 23 • The Initial Case Management Conference in this action be continued to
24 Wednesday, December 10, 2014 at 2:00 p.m., or as soon thereafter at the Court's
25 convenience.

26 IT IS SO STIPULATED.
27
28

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I hereby attest that concurrent in the filing of this document has been obtained for the other signatories in this e-filed document.

DATED: July 18, 2014

McKool Smith Hennigan, P.C.

By: /s/ Courtland L. Reichman

Courtland L. Reichman
Attorneys for Defendants
EOLAS TECHNOLOGIES
INCORPORATED AND THE REGENTS
OF THE UNIVERSITY OF
CALIFORNIA

DATED: July 18, 2014

Bingham McCutchen LLP

By: /s/ Sasha G. Rao

Sasha G. Rao
Attorneys for Plaintiff
J.C. PENNEY CORPORATION

PROPOSED ORDER

The Court having considered the stipulation of the parties, orders as follows:

- The time to file JCP's opposition to Defendants' motion to dismiss is extended until August 19, 2014;
- The time to file the Defendants' reply to JCP's opposition is extended until September 9, 2014;
- The hearing for the Defendant's motion to dismiss is noticed for October 9, 2014, or as soon thereafter at the Court's convenience; and
- The time for JCP to respond to Defendants' counterclaims is extended until October 24, 2014;
- The Initial Case Management Conference in this action is continued to Wednesday, December 10, 2014 at 2:00 p.m.
- The parties shall file a Joint Case Management Statement on or before Wednesday, December 3, 2014.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: July 21, 2014

